

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAMIEN DREIS,

Plaintiff,

vs.

DEARBORN NATIONAL LIFE
INSURANCE COMPANY, a foreign
corporation,

Defendant.

Case No. 2:14-cv-00620-MJP

**ORDER GRANTING DEFENDANT’S
MOTIONS *IN LIMINE***

[PROPOSED]

This matter having come before the Court on Defendant Dearborn National Life Insurance Company’s (“Dearborn National’s”) Motions *in Limine*, and the Court having reviewed the motions and the accompanying declaration and exhibits, and Plaintiff’s response and the accompanying declaration(s) and exhibit(s), the Court hereby GRANTS Defendant’s Motions *in Limine* as follows:

1. James Healy is hereby excluded from testifying as a witness at trial.
2. All evidence, testimony, or argument of counsel about alleged “willful” withholding of wages of Plaintiff Damien Dreis (“Dreis”) by Dearborn National, or RCW 49.52.050–.070, is hereby excluded.
3. All evidence, testimony, or argument of counsel about alleged actions or statements of former Dearborn National employee Larry Meitl constituting the actions or

1 statements of Dearborn National is hereby excluded.

2 4. All evidence, testimony, or argument of counsel about severance offers made or
3 severance paid by Dearborn National to any non-party individual is hereby excluded.

4 5. All evidence, testimony, or argument of counsel about alleged hearsay statements
5 by Larry Meitl to non-party individuals about the nature or amount of severance payments to be
6 made by Dearborn National is hereby excluded.

7 6. All evidence, testimony, or argument of counsel about alleged violations of the
8 policies of Dearborn National or Dearborn National parent company Health Care Service
9 Corporation ("HCSC") by Dearborn National or Dearborn National employees is hereby
10 excluded.

11 7. All evidence, testimony, or argument of counsel about Dreis's last day of
12 employment with Dearborn National being any day other than February 4, 2015, is hereby
13 excluded.

14 8. All evidence, testimony, or argument of counsel about Dreis giving "two weeks"
15 notice" to Dearborn National is hereby excluded.

16 9. Any reference to dispositive motions in this case or the Court's rulings thereon is
17 hereby excluded.

18 10. Counsel for Plaintiff is prohibited from using deposition transcript or video
19 recording excerpts for any purpose other than impeachment, including during opening statements
20 and closing arguments, with the exception of their use for truly unavailable witnesses, or of
21 Dearborn National's 30(b)(6) representative's testimony, which may be used for any purpose.

22 DATED: _____
23

24 _____
25 THE HONORABLE MARSHA J. PECHMAN
26 UNITED STATES DISTRICT COURT JUDGE

1 Presented by:
2

3 /s/ Thomas P. Holt

4 James G. Zissler, WSBA No. 30287

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14 Attorneys for Defendant

15 DEARBORN NATIONAL LIFE

16 INSURANCE COMPANY, a foreign
17 corporation

1 **CERTIFICATE OF SERVICE**

2 I am a resident of the State of Washington, over the age of eighteen years, and not a party
3 to the within action. My business address is One Union Square, 600 University Street, Ste. 3200,
4 Seattle, WA 98101. I hereby certify that on July 27, 2015, I electronically filed the foregoing
5 **PROPOSED ORDER GRANTING DEFENDANT'S MOTIONS *IN LIMINE*** with the Clerk
6 of the Court using the CM/ECF system, which will send notification of such filing to the
7 Honorable Marsha J. Pechman and to the following:
8

9 **Attorneys for Plaintiff**

10 **Michael S. Wampold, WSBA No. 26053**
11 **Mallory C. Allen, WSBA No. 45468**
12 **PETERSON WAMPOLD ROSATO LUNA KNOPP**
13 **1501 Fourth Ave., Suite 2800**
14 **Seattle, WA 98101-1609**

15 I certify under penalty of perjury under the laws of the State of Washington that the
16 foregoing is true and correct.

17 Dated July 27, 2015

18 s/ Thomas P. Holt

19 Thomas P. Holt

20 THolt@littler.com

21 **LITTLER MENDELSON, P.C.**

22 Firmwide:134942108.1 075686.1002
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